

ASSEMBLY BILL

No. 128

Introduced by Assembly Member Logue

January 11, 2011

An act to add Section 39615 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 128, as introduced, Logue. State Air Resources Board: alternative actions to assessing penalties.

Existing law subjects violators of air pollution laws to specified civil and administrative penalties. Existing law imposes various duties on the State Air Resources Board relative to the reduction of air pollution.

This bill would authorize the state board, in lieu of assessing penalties for a violation of an air pollution control law administered by the state board, to require a person who has violated that law to spend an amount equivalent to the amount that would have been assessed for the violation toward actions to comply with the air pollution control law that was violated or toward a supplemental environmental project, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 39615 is added to the Health and Safety
- 2 Code, to read:
- 3 39615. (a) In lieu of assessing penalties for a violation of an
- 4 air pollution control law administered by the state board, the state
- 5 board may require a person who has violated that law to spend an

1 amount equivalent to the amount that would have been assessed
2 for the violation towards actions to comply with the air pollution
3 control law that was violated or towards a supplemental
4 environmental project, if the person has prepared a financing plan
5 to complete the actions to comply with the air pollution control
6 law or prepared a financing plan to complete the supplemental
7 environmental project.

8 (b) (1) If the penalty amount exceeds fifteen thousand dollars
9 (\$15,000), the portion of the penalty amount that may be directed
10 to be expended on a supplemental environmental project shall not
11 exceed fifteen thousand dollars (\$15,000) plus 50 percent of the
12 penalty amount that exceeds fifteen thousand dollars (\$15,000).

13 (2) For purposes of this section, a “supplemental environmental
14 project” means an environmentally beneficial project that a person
15 agrees to undertake, with the approval of the state board, that would
16 not be undertaken in the absence of an enforcement action under
17 this section.